

**MINUTES OF THE JOINT CITY OF LEESBURG COMMISSION
AND THE LAKE COUNTY BOARD OF COMMISSIONERS MEETING
MARCH 29, 2004**

The City of Leesburg Commission and the Lake County Board of Commissioners held a joint workshop Monday, March 29, 2004, at the Leesburg Community Building, 109 West Dixie Avenue, Leesburg, Florida. Leesburg Mayor David Knowles welcomed the Lake County Commissioners and citizens to the meeting and called the meeting to order at 5:35 p.m. with the following members present:

City of Leesburg
Commissioner John Christian
Commissioner Bob Lovell
Commissioner Ben Perry
Commissioner Lewis Puckett
Mayor David Knowles

Lake County
Commissioner Welton Cadwell
Commissioner Catherine Hanson
Commissioner Jennifer Hill
Commissioner Robert Pool
Chairman Debbie Stivender

Also present were Lake County Manager (LCM) Bill Neron, Deputy Lake County Manager (DLCM) Greg Walstead, Lake County Attorney (LCA) Sandy Minkoff, Lake County Deputy Clerk (LCDK) Judy Whaley, Deputy City Manager (DCM) Robert Johnson, City Attorney (CA) Fred Morrison, City Clerk (CC) Betty Richardson, the news media, and a large number of citizens.

Mayor Knowles invited Lake County Commission Chairman Debbie Stivender to preside at the meeting. Lake County Commission Chairman (LCCC) Stivender thanked the City of Leesburg for hosting the meeting.

Commissioner Christian gave the invocation followed by the Pledge of Allegiance to the Flag.

DISCUSSED THE JOINT PLANNING AGREEMENT WITH LAKE COUNTY

Deputy City Manager (DCM) Johnson presented the major points of the Joint Planning Agreement (JPA). The purpose of the presentation was to explain the agreement, insure the County's concurrence on the City's approach, as well as proceed with implementation, if desired. The agreement is to improve coordination and communication between the City and County on various planning initiatives, address utility planning with surrounding jurisdictions, improve utility development, improve growth management, improve annexation planning, and define procedures for transfer of County roads as annexation occurs.

DCM Johnson explained the maps in the packets: 1) Notification area representing the twenty year growth/impact area. It is not the City of Leesburg's intent to annex all the area shown within twenty years. This map is to define the area that could potentially impact the City or may represent areas that may be in the City. 2) JPA Area Map - Areas that could be affected by development in the next five years. City limits of Leesburg (orange area). Area that could be annexed or services provided by the City of Leesburg of the City of Tavares (yellow area). Additional area subject to JPA terms where the City could potentially see developers requesting annexation. Leesburg agrees developers cannot come to the City requesting utilities and annexation without a determination by the County that development is appropriate in the County (brown area). 3) JPA Area Planning – Development to occur consistent with City Codes;

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represents annexation/utility service area. Requires County to enforce City's utility codes relating to the of water or sewer lines of development in the County; provides for orderly development of utilities; creates a process for either government to express concerns about specific developments; places limits on wells and septic tanks.

DCM Johnson also explained the JPA Area is not an agreement to annex any parcel of land; not a guarantee that no well or septic tanks will be constructed; not a guarantee the County will or will not approve development in the notification area contrary to the City's desires. DCM Johnson stated this improves long range planning, a commitment to planned utility development, and a framework for communication between the County and the City of Leesburg.

DCM Johnson pointed out that a paragraph has been added to page 8 of the draft agreement at the request of Chuck Johnson, legal counsel for Hawthorne at Leesburg. The Hawthorne community objected to the agreement because they thought it was an annexation agreement. City and County staff met with representatives of Hawthorne and advised them of the State law relating to how residential property is annexed. He stated that, unless there is a vote of the residents, annexation cannot occur and nothing in the JPA promotes annexation of Hawthorne or any other existing development.

DCM Johnson confirmed, in response to an inquiry by Lake County Commissioner (LCC) Welton Cadwell, once the agreement is approved, County and City staff will revise the County's Land Development Code as such that an overlay will occur within the JPA area. While the details have not been finalized, it is the City's intent to adhere to whichever rule is more stringent.

LCC Cadwell asked if the pending State legislation will limit the ability to fall under the new annexation rules if the JPA is approved prior to the end of the legislative process in April. Lake County Attorney (LCA) Minkoff replied the proposed bill contains a provision indicating the bill does not affect agreements already in existence nor does it prohibit amendments to the agreement to take advantage of the new law.

LCC Cadwell said this legislation is probably the closest legislation between cities and the County that is close to being fair. He said the legislative session should be over at the end of April and suggested waiting until the session is over to vote on the JPA.

City Attorney (CA) Morrison advised negotiations cannot be completed based on what the parties think the legislature might do, and also suggested waiting until the legislative session is over to vote on the agreement.

Robert Dodge, resident of Hawthorne at Leesburg, asked about the annexation process. CA Morrison explained that under current State law, there must be a referendum to annex Hawthorne and more than 50% of the registered electors within Hawthorne would have to vote in favor of annexation.

Carrie Williams, Woodland Park subdivision in Leesburg, gave a history of her subdivision which was built in 1960. She stated that all kinds of spot zonings, including a concrete plant and warehouses, have been allowed to build around the 54 house subdivision. She remarked the County should take care of its business and the City should take of its business.

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Dan Gorden, General Manager of Hawthorne of Leesburg, stated he fears changes in the State law would allow automatic annexation of internal enclaves without a vote of the residents in the area. He also said it might be prudent to wait until the legislative session has concluded.

Chuck Johnson, attorney for Hawthorne at Leesburg, stated Hawthorne wants to be left alone and the residents believe they have the right to vote on any annexation issues.

LCCC Stivender stated this meeting is for discussion of the JPA and a decision will not be made at this time. She suggested waiting until May to make a decision, which will give everyone more time to complete an agreement that will be acceptable to all parties.

David Cauthen, Director of the Greater Sunnyside Area Property Owners Association, Inc., stated a major concern of the Sunnyside homeowners is the roads. He opined the JPA needs to spell out who will be responsible for the roads. The draft JPA gives both the City and the County the opportunity to say the other entity is responsible for the roads. Mr. Cauthen stated the recent addition of several hundred new homes on Sleepy Hollow Road will impact Sunnyside Drive and all the way through Sunnyside. He said the JPA does not handle this situation at all.

DCM Johnson referred to page 8, section 6.a of the draft agreement regarding terms of annexation related to transfer of infrastructure. He suggested Mr. Cauthen is concerned with the current status of roads in the Sunnyside area, not whether there is a good method of transferring those infrastructures and who is responsible for maintenance. DCM Johnson explained the JPA indicates when the annexation in an area exceeds more than 50%, there is a method of transferring the roads and it is very clear the County will no longer maintain the roads.

John Farah, who is purchasing 150 acres in the Okahumpka area, asked if City utilities will ever be available for his property which is approximately ten to fifteen feet outside the City's utility service area. DCM Johnson explained if the County approves a development for construction, the County can dictate what type of utilities it wants to have service the area. If the City is willing to provide service and the County wants municipal-type service, the City will provide the utilities.

Lee Manusa, resident of Hawthorne, gave an explanation of her community, a cooperative with its articles of incorporation issued under a not-for-profit corporation statute. She stated if all internal enclaves are annexed to the surrounding municipality as stated in Senate Bill 452, cooperative ownership will disappear. She asked for support in maintaining Hawthorne's collective voice.

Mayor Knowles stated the consensus among the Leesburg City Commissioners is they are not planning to annex Hawthorne. Because future State laws are unknown, he said he concurs with Lake County Commissioner Cadwell's suggestion to wait and see what develops with the legislature before voting on the agreement.

HEARD PROPOSAL ON SOLID WASTE FROM LAKE COUNTY

DCM Johnson explained City of Leesburg staff requested the proposal on solid waste collection be placed on the agenda. Staff is analyzing Leesburg's solid waste operations and will be making a presentation to the City Commission on the various options available to the City, including a proposal from Lake County.

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Lake County Manager (LCM) Bill Neron gave a brief PowerPoint presentation on Lake County's solid waste collection proposal (copy attached). He explained the County's collection system as two garbage/yard waste and one recycling pickup per week; annual fee of \$180.50 per residential unit collected through the annual tax bill; contractual agreements with three franchise haulers throughout the County with Waste Management as the franchise hauler for Leesburg. He outlined what Leesburg currently provides to its customers and how Municipal Services Benefit Unit (MSBU) consolidation would work and the benefits to Leesburg for the County to provide solid waste collection. He also outlined issues to be resolved prior to the County taking over collection in the City of Leesburg.

City Commissioner (CC) Lewis Puckett asked about the County purchasing the City's equipment and LCM Neron suggested that could be negotiated.

DCM Johnson explained the City originally contacted Lake County regarding the current interlocal agreement for solid waste disposal, but tonight's discussion concerns collection from the residents. The interlocal agreement for disposal still needs to be addressed. This presentation by the County gives the City Commissioners the opportunity to ask questions of County staff regarding collection in Leesburg.

City Commissioner (CC) John Christian, in referring to page 7 of the presentation, remarked any savings would have to be great to justify interrupting City employees. He stated he has current issues with the County's Code Enforcement regarding sidewalks that have been needed for eight years.

City Commissioner (CC) Ben Perry said any option available should be heard. If equal or better service can be provided at a lesser cost, those options should be presented to the City Commission.

Joe Codispoti, owner of A-OK TV in Leesburg, stated he lives in the County and expressed concern regarding the commercial collection. He requested more definitive answers for commercial collections. In Leesburg, he can have commercial pickup once or twice per week, and it is his prerogative.

Carrie Williams, City of Leesburg resident, stated she calls the City if her garbage is missed. Solid Waste employees make a trip to pick up her garbage and asked if the County will do the same. She also expressed concern about City employees who may be without jobs if the County takes over solid waste collection.

Mayor Knowles reiterated that a number of options will be discussed when this subject is presented at the City Commission meeting.

SUNNYSIDE PLANNING STUDY

DCM Johnson explained the Commission in November 2003, approved a six-month moratorium on any annexation that would result in increased density in the Sunnyside area. He emphasized the action was not a moratorium on development, but only on density increases. The ad hoc study committee has held two meetings with participation by County staff. A recommendation for substantive changes for planning and developing Sunnyside will be presented to both the City and County for consideration.

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Lake County Commissioner (LCC) Jennifer Hill advised there are road concerns which need to be addressed as well as stormwater issues.

B. Murray Tucker, Jr., President of the Greater Sunnyside Area Property Owners Association, Inc. and a member of the ad hoc committee, stated the Committee has held meaningful meetings and the process is moving forward. He remarked City staff has done an outstanding job in providing information to the Committee.

The meeting adjourned at 6:28 p.m.

Mayor

ATTEST:

City Clerk

Betty M. Richardson

Recorder

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